IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9750 of 2002

Between:

Basavalinga Reddy S/o.Sathi Reddy, Age:39 Yrs., Occ:Business, R/o.Ballary, Karnataka State.

..... PETITIONER

AND

1. Commissioner, Prohibition & Excise, A.P., at Hyderabad.
2. Deputy Commissioner, Prohibition & Excise, Anantpur.
3. Prohibition & Excise Inspector, Rayadurg, Ananthapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari, calling for the records of Cr.No.10/2002-2003 of Prohibition & Excise Station, Rayadurg, Ananthapur District and declare the registration of the crime and all consequential proceedings including arrest of driver and cleaner, seizure of the stock and rejection of the petitioner's application for release of the lorry No.KA 132977 and the 720 Cartons of Kingfisher Beer, as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and to award damages and cost of the damaged Beer to the petitioner from the respondents.

Counsel for the Petitioner:MR.VENUGOPALA RAO PASNOORU

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following Order:

Heard both the learned counsel. In this writ petition, the petitioner seeks to assail the correctness of the seizure of the vehicle in an offence, which has been registered as Crime No. 10/02-03 on the file of Prohibition Excise. Rauadurg, Ananthapur District.

This Court, taking into consideration the prima facie case, ordered release of the vehicle on certain conditions as per order in W.P.M.P.No.11987 of 2002 dated 21-5-2002. Having regard to the same, nothing remains to be considered in the main writ petition.

Accordingly, this writ petition is dismissed. However, having regard to the urgency expressed, the respondents are directed to dispose of the case in Crime No. 10/2002-03 as expeditiously as possible, preferably within a period of three moths from the date of receipt of a copy of this order. No costs.

17—09—2004.

Stv/-

To

1. The Commissioner, Prohibition & Excise, A.P., at Hyderabad.
2. The Deputy Commissioner, Prohibition & Excise, Anantpur.

3. The Prohibition & Excise Inspector, Rayadurg, Ananthapur District.

4. Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.